

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22079 of 1994

Between:

Anakapalli Govindu, S/o Pullaiah,
R/o Sarpavaram, Kakinada
E.G.Dist.

..... PETITIONER

AND

- 1 The Dist Collector,
E.G.Dist., Kakinada .
- 2 The Revenue Divisional Officer,
Kakinada, Division, Kakinada.
- 3 the Mandal Revenue Officer,
Rural (M), Kakinada.
E.G.dist.
- 4 The Station House Officer,
Sarpavaram Ploice Station, Sarpavaram,
Kakinada, E.G.DIST.
- 5 Smt. Someswarapu Veera Raju, W/o Gangaraju,
Sarpavaram Temple, Sarpavaram,
Kakinada, Ee.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropraite writ, or direction, more particularly one in th enature of Mandamus directing the respondents 1 to 3 herein to cancle the patta with respect to an extent of 200Sq.yards covered by R.S.No. 53/4A, of Sarpavaram (V), Kakinada Rural (M),E.g.Dist whcih is said to have been granted in favour of the 5th respondent by the third respondent in the month of February 1994, and direct the respondents to grant patta of the said extent of 200 sq.yards in favour of the petitioners and pass

order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.G.KRISHNA MURTHY

Counsel for the Respondent Nos.1 to 4: G.P. FOR REVENUE.

Counsel for the Respondent No.5: MR.V.L.N.GOPALA KRISHNA MURTHY

The Court made the following :

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THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

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WRIT PETITION NO. 22079 OF 1994

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ORDER:-

Heard both the learned counsel. Petitioner, who claims to be in possession of about 200 Sq. yards covered by S.No. 53/4/A of Sarpavaram by occupying the same and raised a thatched shed for living purpose in the year 1925, filed this writ petition, inter alia, seeking cancellation of patta granted in favour of fifth respondent herein in respect of the same land.

The case of the petitioner is that he and his fore-fathers have been in possession of the same by constructing thatched shed for living purpose. Since the contesting fifth respondent is interfering with the same, he filed an injunction suit and obtained interim injunction and subsequently, the interim injunction has been vacated. The complaint of the petitioner is that the patta granted in favour of the fifth respondent is without notice to him, who is admittedly in possession of the property. Further, fifth respondent is not entitled to any certificate or patta. Petitioner further submitted that he had already filed a comprehensive application before first respondent on 27-8-1994 and the same is still pending.

Learned counsel for the respondents denied the contentions urged on behalf of the petitioner in regard to the merits of the case.

Taking into consideration the facts and circumstances and in view of the fact that the application filed by the petitioner is pending, where both sides claim their possession and right, it is not necessary to go into the merits of the case. It is suffice to direct first respondent to dispose of the application of the petitioner within three months from today after giving notice and opportunity to both sides.

Subject to above, this writ petition is disposed of. No costs. Both the parties shall maintain status quo as existing today till the disposal of the application filed by the petitioner before first respondent.

09—07—2004.

Stv/-

To

- 1 The Dist Collector,
E.G.Dist., Kakinada .
- 2 The Revenue Divisional Officer,
Kakinada, Division, Kakinada.
- 3 the Mandal Revenue Officer,
Rural (M), Kakinada.
E.G.dist.
- 4 The Station House Officer,
Sarpavaram Ploice Station, Sarpavaram,
Kakinada, E.G.DIST.

5 Two CCs to the G.P for Revenue, High court Buildings, Hyderabad(O.U.T)

6 Two CD copies.

7 One spare copy.

